

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the court may accept, reject, or modify, in whole or in part,

the recommendation of the Magistrate Judge, or recommit the matter to him with instructions. 28 U.S.C. § 636(b)(1).

In light of this standard, the court has reviewed, de novo, the Report in conjunction with the Commissioner's objections. The court agrees with the analysis and conclusions of the Magistrate Judge and finds the Commissioner's objections provide no basis for the court to deviate from the Magistrate Judge's recommended disposition. Therefore, for the reasons articulated by the Magistrate Judge, the court adopts the Report of the Magistrate Judge. Accordingly, the Commissioner's final decision is **REVERSED and REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further action consistent with this Order.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

July 17, 2012
Greenville, South Carolina